



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,754	08/21/2003	Shunichi Numazaki	07553.0044	7285
22850 7590 10/22/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER WHIPKEY, JASON T	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 10/22/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/644,754	Applicant(s) NUMAZAKI ET AL.	
	Examiner Jason T. Whipkey	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/268,645.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/268,645, filed on March 16, 1999.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claims because the examined application claim is either anticipated by, or would have been obvious over, the reference claims. See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 18-21 are each rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over each of claims 1-8 of U.S. Patent No. 6,714,247. Although

Art Unit: 2622

the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the instant application are a broader recitation of the invention claimed in the '247 patent. The claims in the instant application are therefore encompassed by the claims in the patent. A terminal disclaimer is necessary so as to ensure that any two resulting patents are commonly owned throughout their lifetimes.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Camus (U.S. Patent No. 6,021,210).

Regarding **claim 18**, Camus discloses an information input method, comprising the steps of:

generating a pulse signal or modulation signal (controller 8 synchronizes a camera and an illuminator, turning the illuminator on and off in association with the field being captured [see column 2, lines 53-60]; this inherently would involve some sort of clock, which is a device that produces pulses);

generating, on the basis of the pulse or modulation signal, a control signal for separately controlling light-receiving timings of light-receiving cells of an area image sensor (controller 8 reads the odd and even fields separately; see column 3, lines 1-8) for obtaining a difference between charges received by light-receiving cells (the values of one field are subtracted from the values of the other field; see column 3, lines 19-21) which are arranged in an array pattern (see Figure 5 and column 3, lines 1-8);

emitting light, an intensity of which changes on the basis of the generated control signal (illuminator 6 is either turned on or off, depending on the control signal; see column 2, lines 62-65);

detecting a light image reflected by an object of the emitted light with an image sensor (see Figure 5) comprising first cells configured to pick up at an emission time (either even or odd lines) and second cells configured to pick up at a non-emission time (either odd or even lines, respectively; see column 3, lines 1-8), said first and second cells arranged two-dimensionally (see Figure 5); and

detecting a difference in accumulated electrical charges between a cell of the first cells and a corresponding cell of the second cells (see column 3, lines 19-21).

Regarding **claim 19**, Camus discloses an information input method, comprising the steps of:

generating a pulse signal or modulation signal (controller 8 synchronizes a camera and an illuminator, turning the illuminator on and off in association with

Art Unit: 2622

the field being captured [see column 2, lines 53-60]; this inherently would involve some sort of clock, which is a device that produces pulses);

emitting light, an intensity of which changes on the basis of the pulse or modulation signal (illuminator 6 is either turned on or off, depending on a control signal; see column 2, lines 62-65);

receiving light reflected by an object of the emitted light and light other than the reflected light in synchronism with the pulse or modulation signal (controller 8 synchronizes a camera and an illuminator, turning the illuminator on and off in association with the field being captured; see column 2, lines 53-60);

detecting an image of an object in the received reflected light with an image sensor (see Figure 5) comprising first cells configured to pick up at an emission time (either even or odd lines) and second cells configured to pick up at a non-emission time (either odd or even lines, respectively; see column 3, lines 1-8), said first and second cells arranged two-dimensionally (see Figure 5); and

detecting a difference in accumulated electrical charges between a cell of the first cells and a corresponding cell of the second cells (see column 3, lines 19-21).

Claims 20 and 21 can be treated like claims 18 and 19, respectively. Additionally, Camus teaches that the system can be controlled using a computer running stored software (see column 2, lines 57-60).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye, can be reached at (571) 272-7372. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTW

JTW

October 12, 2007



LIN YE
SUPERVISORY PATENT EXAMINER